

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BOBBY DANIEL HORTON, JR.

PETITIONER

v.

CAUSE NO. 1:15CV260-LG-RHW

**JIM HOOD and
JACQUELINE BANKS**

RESPONDENTS

ORDER ADOPTING REPORT AND RECOMMENDATIONS

This cause comes before the Court on the [11] Report and Recommendations of United States Magistrate Judge Robert H. Walker. On August 13, 2015, Petitioner Bobby Daniel Horton, Jr. filed a Petition for Writ of Habeas Corpus. Respondents moved to dismiss the Petition.

On March 28, 2016, Magistrate Judge Walker recommended that this Court grant the Motion to Dismiss and dismiss the Petition “for Horton’s failure to timely file the petition and/or for his failure to exhaust state court remedies” (Report and Recommendations 7, ECF No. 11). Horton has not filed an objection to the Report and Recommendations, and the time for doing so has expired.

Where no party has objected to the Magistrate Judge’s Report, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the Court need only review the Report and determine whether it is either clearly erroneous or contrary to law. *See, e.g., United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court is of the opinion that Magistrate Judge Walker's Report is neither clearly erroneous nor contrary to law. Accordingly, the Court finds that Petitioner Horton's [1] Petition for Writ of Habeas Corpus should be dismissed and that the [11] Proposed Report and Recommendations of Magistrate Judge Walker should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the [11] Report and Recommendations of United States Magistrate Judge Robert H. Walker entered in this cause on March 28, 2016, should be, and hereby is, adopted as the opinion of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that [1] Petitioner's 28 U.S.C. § 2254 habeas corpus petition is **DISMISSED WITHOUT PREJUDICE**. A separate judgment will be entered.

SO ORDERED AND ADJUDGED this the 22nd day of April, 2016.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE